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provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(iv) The requirements of this paragraph shall not apply to the following sources for which a request for a postponement of the applicability of regulation X had been submitted pursuant to section 110(f) of the Act prior to the date of publication of this regulation:

Source	Location
Kammer Station, Ohio Power Company	Moundsville.
Mitchell Station, Ohio Power Company	Do.
Harrison Station, Monongahela Power Company.	Haywood.
Fort Martin Station, Monongahela Power Company.	Maidsville.

(10) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) (2), (3), (5), or (6) of this section fails to satisfy the requirements of §§ 51.261 and 51.262(a) of this chapter.

[38 FR 16170, June 20, 1973, as amended at 38 FR 22751, Aug. 23, 1973; 38 FR 24342, Sept. 7, 1973; 39 FR 32560, Sept. 9, 1974; 40 FR 3569, Jan. 23, 1975; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.2525 Control strategy: Sulfur dioxide.

(a) The provisions of § 51.112(a) are not met because the State did not adequately demonstrate that the deletion of section 3.03(b) of West Virginia regulation X as it applies to the Rivesville plant would not interfere with attainment and maintenance of the national ambient air quality standard.

(b) EPA approves the attainment demonstration State Implementation Plan for the City of Weirton, including the Clay and Butler Magisterial Districts area in Hancock County, West Virginia, submitted by the West Virginia Department of Environmental Protection on December 29, 2003.

[43 FR 52240, Nov. 9, 1978, as amended at 51 FR 40676, Nov. 7, 1986; 69 FR 24992, May 5, 2004]

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§ 52.2526 Control strategy: Particulate matter.

(a) EPA approves West Virginia's November 15, 1991 SIP submittal for fulfilling the PM₁₀-specific requirement of part D for contingency measures required under section 172(c)(9) of the Clean Air Act applicable to the Follansbee, West Virginia PM₁₀ non-attainment area.

(b) *Determinations of Attainment.* EPA has determined, as of November 20, 2009, the Martinsburg-Hagerstown, WV-MD, the Parkersburg-Marietta, WV-OH and the Wheeling, WV-OH PM_{2.5} non-attainment areas have attained the 1997 PM_{2.5} NAAQS. These determinations, in accordance with 40 CFR 52.1004(c), suspend the requirements for these areas to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as these areas continue to meet the 1997 PM_{2.5} NAAQS.

[68 FR 51464, Aug. 27, 2003, as amended at 74 FR 60203, Nov. 20, 2009]

§ 52.2527 [Reserved]

§ 52.2528 Significant deterioration of air quality.

(a) The requirements of Sections 160 through 165 of the Clean Air Act are met since the plan includes approvable procedures for the Prevention of Significant Air Quality Deterioration.

(b) Regulations for Preventing Significant Deterioration of Air Quality, the provisions of § 52.21(p) (4), (5), (6), and (7) are hereby incorporated and made a part of the applicable state plan for the state of West Virginia.

[51 FR 12518, Apr. 11, 1986]

§§ 52.2529–52.2530 [Reserved]

§ 52.2531 1990 base year emission inventory.

EPA approves as a revision to the West Virginia State Implementation Plan the 1990 base year emission inventories for the Greenbrier county ozone nonattainment area submitted by the Secretary, West Virginia Department of Commerce, Labor & Environmental Resources on December 22, 1992. These

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submittals consist of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in Greenbrier County for the following pollutants: Volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_x).

[60 FR 39862, Aug. 4, 1995]

§ 52.2532 [Reserved]

§ 52.2533 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of West Virginia.

(c) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of West Virginia.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.2534 Stack height review.

The State of West Virginia has declared to the satisfaction of EPA that no State Implementation Plan emission limits, other than those for the Kammer power plant, have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion technique as defined in EPA's stack height regulations, as revised on July 8, 1985. This declaration was submitted to EPA on September 16, 1988.

[55 FR 21752, May 29, 1990]

§ 52.2560 Small business technical and environmental compliance assistance program.

On January 13, 1993, the Secretary of the West Virginia Department of Commerce, Labor and Environmental Resources submitted a plan for the establishment and implementation of a Small Business Technical and Environmental Compliance Assistance Program as a state implementation plan revision (SIP), as required by title V of

the Clean Air Act. EPA approved the Small Business Technical and Environmental Compliance Assistance Program on September 15, 1993, and made it part of the West Virginia SIP. As with all components of the SIP, West Virginia must implement the program as submitted and approved by EPA.

[58 FR 48312, Sept. 15, 1993]

§ 52.2565 Original identification of plan.

(a) This section identifies the original "Air Implementation Plan for the State of West Virginia" and all revisions submitted by West Virginia that were federally approved prior to December 1, 2004.

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Addition to the plan regarding legal authority to enforce State laws in the City of Wheeling submitted on March 30, 1972, by the West Virginia Air Pollution Control Commission.

(2) Addition to the plan clarifying Resources section of SIP submitted April 20, 1972, by the West Virginia Air Pollution Control Commission.

(3) Revision to plan regarding "Permit to Construct" rule, Regulation XIII of the West Virginia Air Pollution Control Regulations, submitted May 5, 1972, by the West Virginia Air Pollution Control Commission.

(4) Revision to the plan allowing John E. Amos power plant variance to sulfur-in-fuel regulations submitted November 14, 1973, by the West Virginia Air Pollution Control Commission.

(5) AQMA designations were submitted on June 13, 1974, by the Governor of West Virginia.

(6) Indirect Source Review plan submitted on June 17, 1974, by the West Virginia Air Pollution Control Commission.

(7) Particulate matter regulation for Primary aluminum plants submitted on November 8, 1974, by the West Virginia Air Pollution Control Commission.

(8) Deletion of secondary annual and 24 hour sulfur dioxide standards from Regulation VIII submitted on March 16, 1976 by the Governor of West Virginia.